

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CARL HUBBARD,

Petitioner,

v.

Case Number 13-14540

Honorable David M. Lawson

WILLIE SMITH,

Respondent.

**ORDER REOPENING CASE AND DIRECTING RESPONDENT TO FILE
SUPPLEMENTAL RESPONSE AND RULE 5 MATERIALS**

Petitioner Carl Hubbard filed a *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On March 16, 2018, the Court entered an order holding the case in abeyance so that Hubbard could exhaust his state court remedies with respect to claims that he did not raise on direct appeal. Hubbard was directed to file an amended petition within 28 days after the conclusion of the state court proceedings on his unexhausted claims. On July 1, 2020, Hubbard filed an amended petition and a motion to reopen the case, asserting that he had done so within 28 days after the Michigan Supreme Court finally denied his bid for post-conviction relief. Federal courts have the power to order that a habeas petition be reinstated upon timely request by a habeas petitioner. *Rodriguez v. Jones*, 625 F. Supp. 2d 552, 559 (E.D. Mich. 2009). Because it appears that Hubbard has complied with the deadlines established by the Court's order staying the case, the Court will order the case to be reopened.

Accordingly, it is **ORDERED** that the petitioner's renewed motion to reopen the case (ECF No. 52) is **GRANTED**, the stay of the proceedings is **DISSOLVED**, and the Clerk of Court shall **REOPEN** the case and restore it to the active docket.

It is further **ORDERED** that the respondent shall file a response to the amended petition and any additional Rule 5 materials **on or before September 9, 2020**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: July 15, 2020